

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
W.A. DREW EDMONDSON, in his
capacity as ATTORNEY GENERAL
OF THE STATE OF OKLAHOMA,
et al.

Plaintiffs,

V.

TYSON FOODS, INC., et al.,

Defendants.

No. 05-CV-329-GKF-SAJ

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MARCH 3, 2008

PRELIMINARY INJUNCTION HEARING

VOLUME V

BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

APPEARANCES:

For the Plaintiffs: Mr. Drew Edmondson
Attorney General
Mr. Robert Nance
Mr. Daniel Lennington
Ms. Kelly Hunter Burch
Mr. Trevor Hammons
Assistant Attorneys General
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

Glen R. Dorrough
UNITED STATES COURT REPORTER

EXHIBIT

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1 MR. EDMONDSON: That's correct, Your Honor.

2 THE COURT: Attorney General Edmondson, you may call
3 your next witness.

4 MR. EDMONDSON: I call Dr. Robert Lawrence.

5 ROBERT SWAN LAWRENCE

6 Called as a witness on behalf of the plaintiffs, being first
7 duly sworn, testified as follows:

8 THE COURT: State your full name for the record,
9 please, sir.

10 THE WITNESS: Robert Swan Lawrence.

11 THE COURT: You may proceed.

12 DIRECT EXAMINATION

13 BY MR. EDMONDSON

14 Q. Dr. Lawrence, would you please briefly describe your
15 educational background?

16 A. I obtained my bachelor's degree and my medical degree from
17 Harvard University, trained in internal medicine at the
18 Massachusetts General Hospital in Boston, spent three years as
19 an epidemic intelligence service officer with the CDC, one year
20 of it in Atlanta investigating outbreaks of parasitic and other
21 infectious diseases and two years of it in El Salvador doing
22 malaria epidemiology.

23 I then joined the faculty of the University of North
24 Carolina in Chapel Hill and spent four years directing a
25 program in community health. Then was recruited back to Boston

1 water, air, odor, so there are social impacts for community
2 members. This is not as great a problem for the Illinois River
3 Watershed, but there are many parts of the country now where
4 downwind of concentrated animal feeding operations, the air
5 quality from the point of view of contaminants in the air as
6 well as from the problem of intense odor has become widespread.

7 Q. And from where does that odor come?

8 A. Well, the odor is part --

9 MR. RYAN: Your Honor, I object. He said it doesn't
10 apply to the IRW.

11 THE COURT: Sustained. We've all been to the
12 panhandle, I believe. Go ahead.

13 THE WITNESS: Shall I answer it?

14 THE COURT: No, the objection is sustained. Go ahead.

15 Q. (By Mr. Edmondson) I'll rephrase the question. Is there
16 bacteria in the litter of the poultry waste?

17 A. There are bacteria. There are other compounds, breakdown
18 products of urine and feces, ammonia, hydrogen sulfide, nitrous
19 oxide. It depends a little bit on the mix of what animal we're
20 talking about as well as what kind of bedding or other organic
21 material has been mixed in with the waste.

22 Q. Specific as to poultry waste, is there bacteria associated
23 with poultry waste?

24 A. Yes.

25 Q. What nature of bacteria is associated with poultry waste?

1 A. Well, there are a broad range of organisms that have been
2 isolated from poultry waste. Salmonella and Campylobacter
3 species are among the more important human pathogens. E. coli,
4 Enterococci, there are species of Coccidioides that is not
5 infectious for humans, but is an important problem for growth
6 of the bird. So Arsenicals, Roxarsone and other organic
7 arsenic materials, are added to the poultry feed in order to
8 reduce the Coccidioides to enhance the growth of the bird.
9 There's also a Giardia species, again it's not the species that
10 happens to affect the humans, but it's present in poultry
11 waste.

12 Q. Don't most of these bacteria die at some point in time?

13 A. Eventually, but many of them can live for three or four
14 months after being deposited by the bird.

15 Q. What factors determine the length of viability of these
16 bacteria?

17 MR. RYAN: Your Honor, there's been no foundation for
18 this question of this witness. I object.

19 THE COURT: Sustained.

20 Q. (By Mr. Edmondson) Are you able to state from the
21 materials you reviewed or from your own knowledge and expertise
22 whether these problems are present in the Illinois River
23 Watershed?

24 A. Yes, from what I have read, the story is very remarkably
25 similar to what I've directly observed on the eastern shore of